United States Department of Agriculture
Agricultural Marketing Service

National Organic Program Online Training

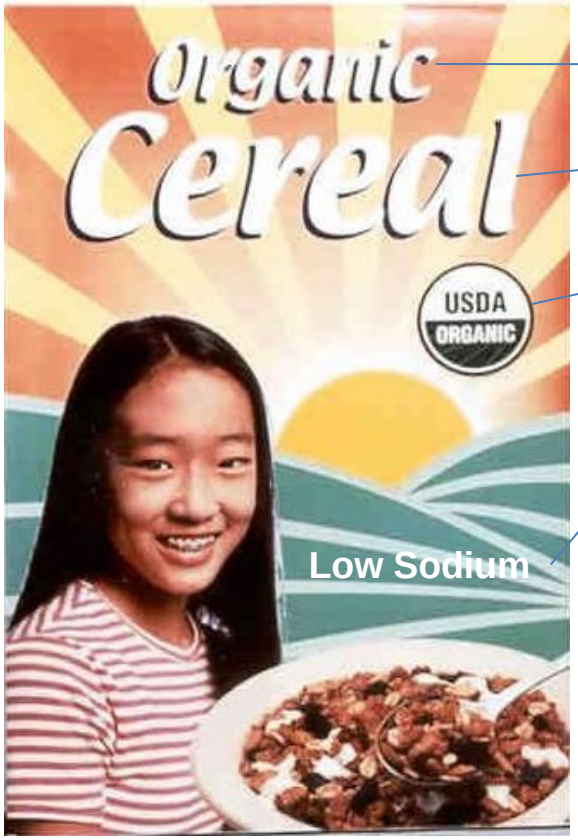
Subpart D
Labels, Labeling & Market Information

Objectives

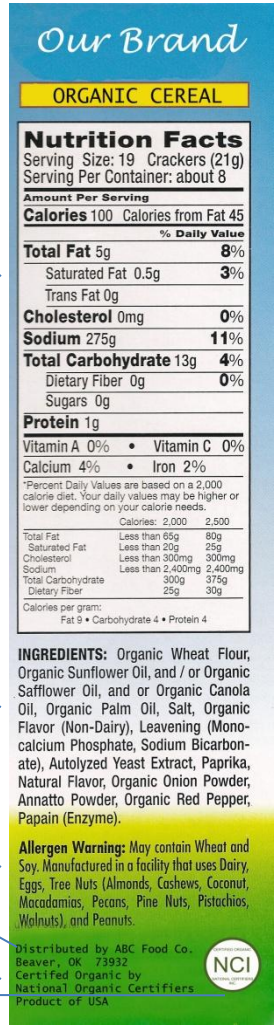
Upon successful completion of this training module, the learner will be able to:

- Describe the requirements for labeling organic products.
- Review labels for correct format and information.
- Identify noncompliances in labels and make correct regulatory references.

Label Anatomy



- Organic Designation
- Product Name
- NOP Seal
- Additional Label Claims
- Nutritional Facts
- Ingredient Statement
- Allergen Warnings
- Name of Distributor
- Name of Certifying Agent
- Certifying Agent's Seal



Organic Labels

205.300 Use of the term “organic”

The use of the term “organic” and its derivations is only allowed for use on certified organic products and ingredients. This applies to all products comprised of agricultural products, regardless of end use.

For products sold as organic in the United States, the products must be produced in compliance with the NOP regulations and certified by an NOP-accredited certifying agent or produced in compliance with an equivalency agreement.

Organic products destined for sale in countries outside of the U.S. may be produced and labeled according to the receiving country’s standards as long as they are clearly labeled for export only.

Product Composition

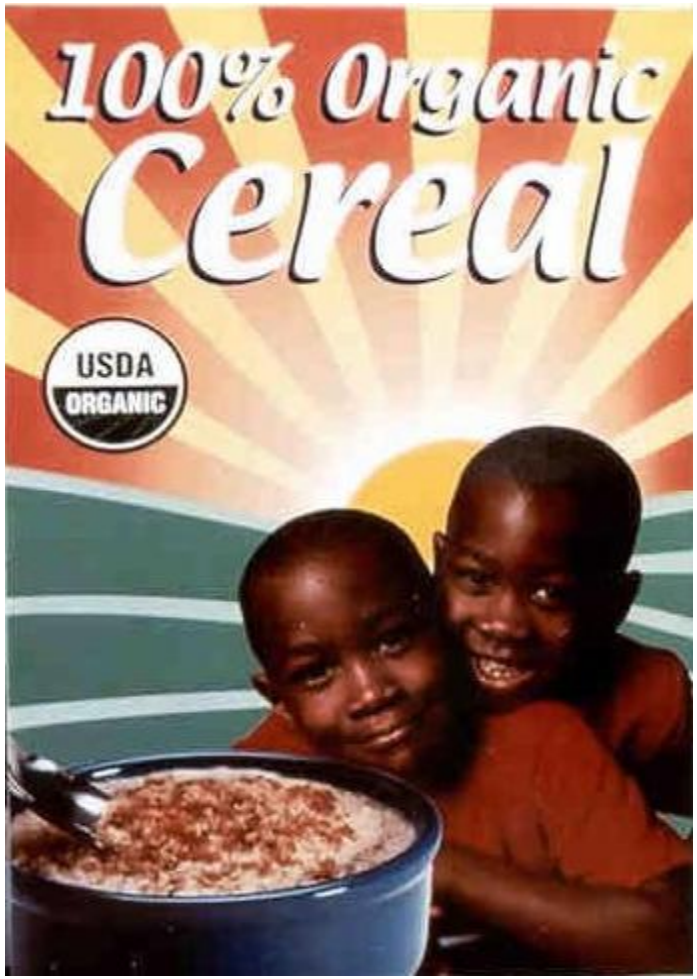
- 100% Organic
  - All agricultural ingredients and processing aids must be organic.
- Organic
  - 95% of product must be certified organic agricultural products.
- Made with Organic [specified ingredients or food groups]
  - At least 70% certified organic
- Less than 70% organic
  - Only use “organic” on ingredient statement.

100% Organic

Products labeled as 100% organic may only contain certified organic agricultural ingredients.

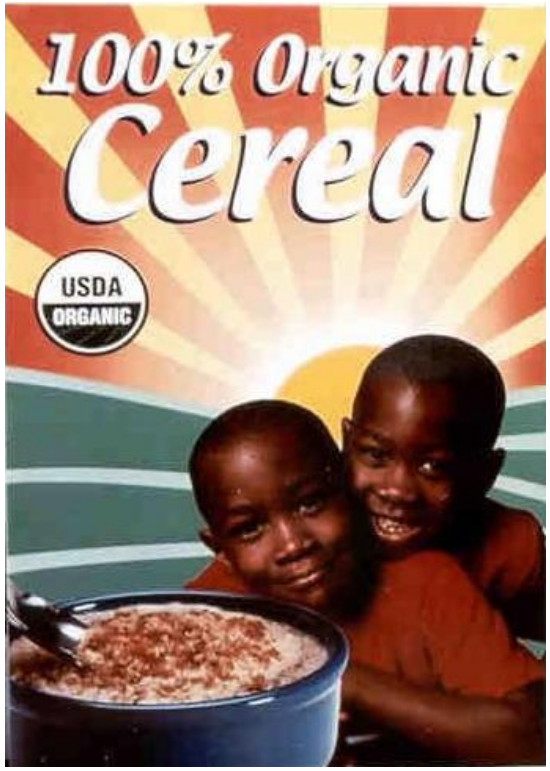
All processing aids, such as flocculants or filters, must be certified organic ingredients.

Products labeled as 100% organic may not contain any materials from the National List of Allowed and Prohibited Substances.



100% Organic Content

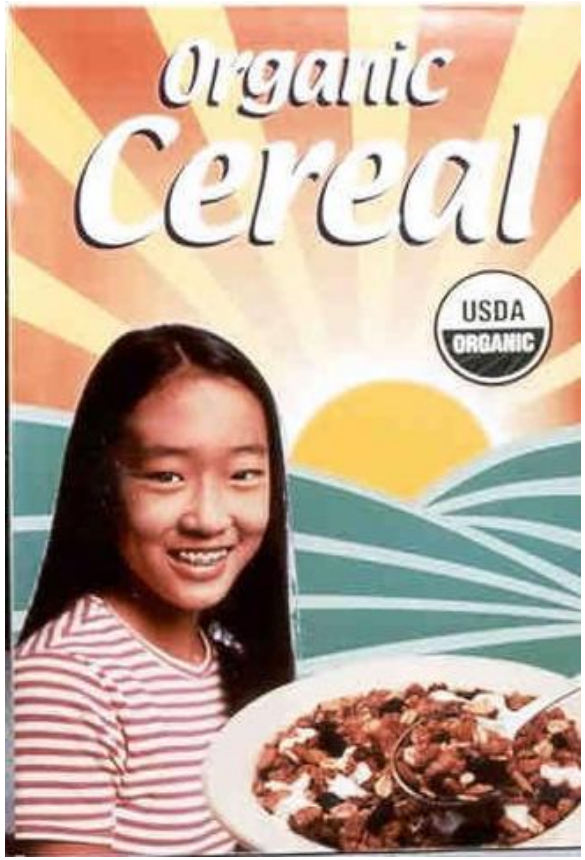
- May say “100% Organic” or “Organic”
- May use NOP seal
- May display ACA logo
  - Not more prominent than NOP seal
- May make percentage claim
  - Note size restriction
- May display other ACA seals
  - Records must be available



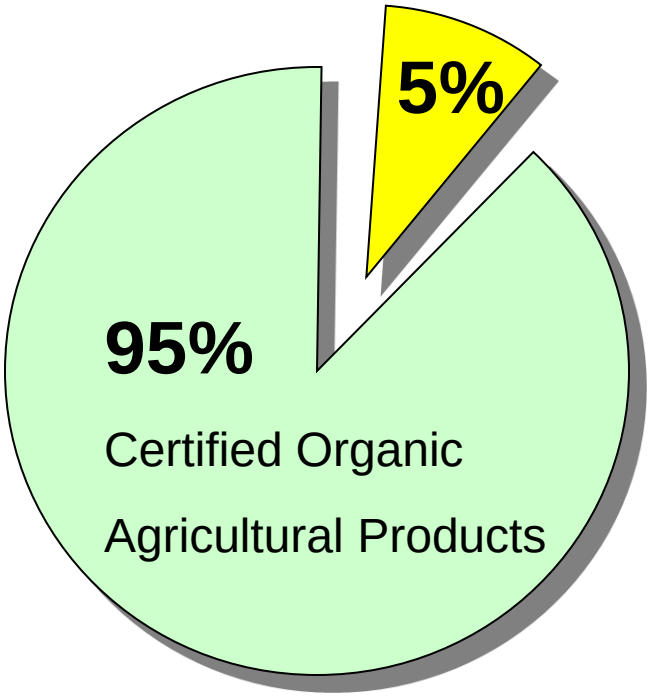
Organic

Products labeled as “Organic” must contain at least 95% certified organic agricultural ingredients.

The remaining 5% may be non-organic agricultural ingredients from 205.606 that are not commercially available in organic form or non-agricultural or synthetic ingredients from 205.605.



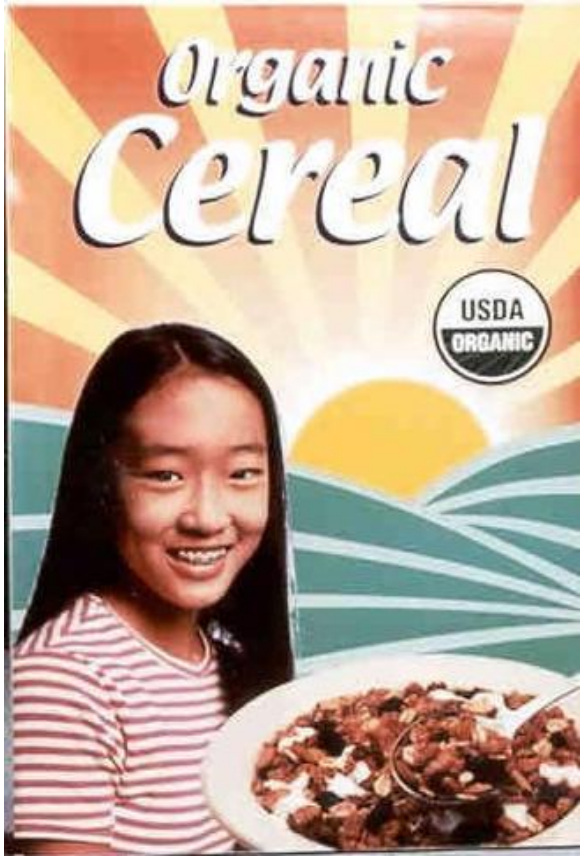
Organic



- 5% may be
  - Substances from 205.605
  - Non-organic agricultural products from 205.606 that are not commercially available in organic form.
  - No GMO, sewage sludge, or irradiation.

95% or more Organic Content

- May say “Organic”
- May make a percentage statement
  - Percentage statement must not exceed ½ the size of the largest type on the panel.
  - Must be entirely the same type, style, size, and color, without highlighting.



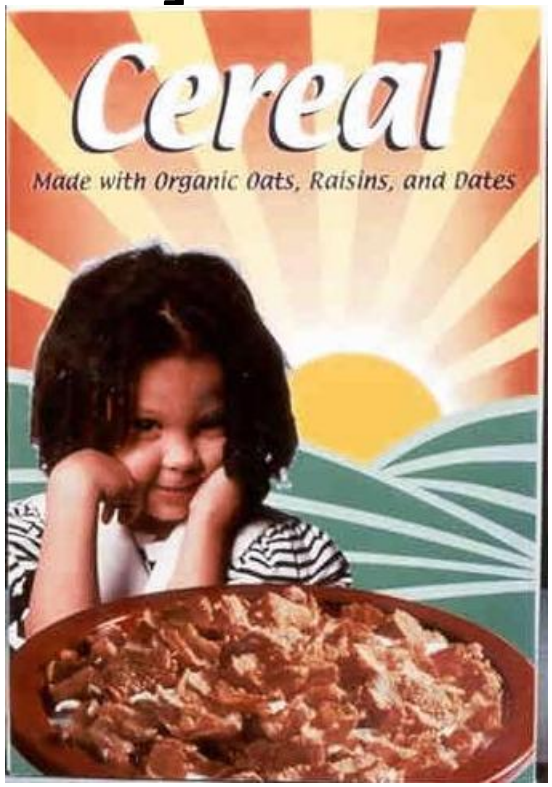
Made with Organic [specific food groups or ingredients]

Products labeled as “Made with Organic [specific food groups or ingredients] must contain at least 70% certified organic agricultural ingredients.

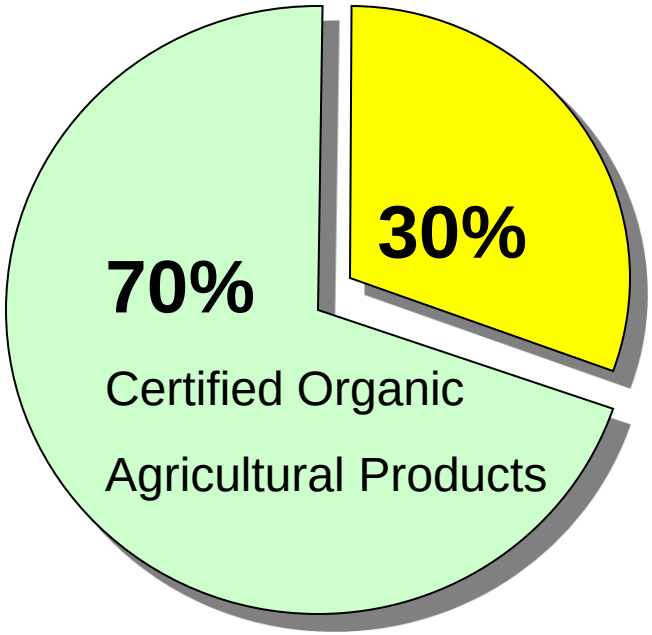
Remaining ingredients may be

–Non-organic agricultural ingredients

–Non-agricultural, non-organic ingredients from 205.605 of the National List of Allowed an d Prohibited Substances.

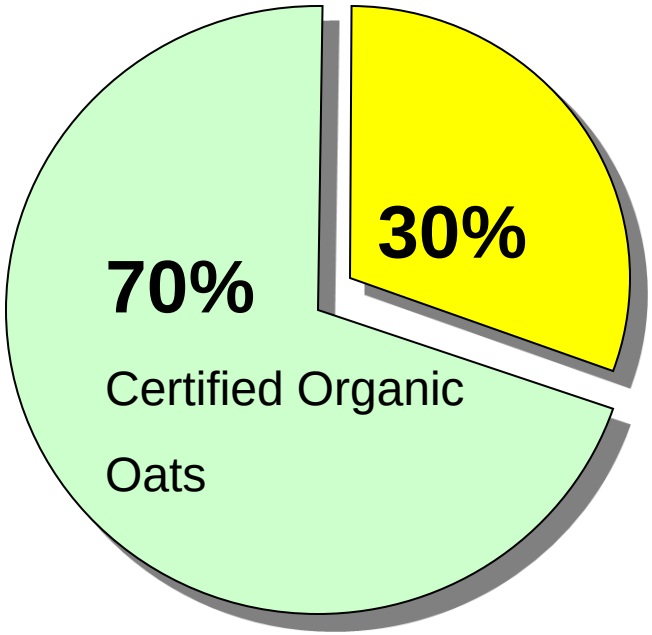


Made with Organic [specific food groups or ingredients]



- 30% may be
  - Substances from 205.605
  - Any non-organic agricultural product produced without GMO, sewage sludge, or irradiation

Example: Energy Bar "Made with Organic Oats"



INGREDIENTS: ORGANIC OATS, CHOCOLATE (COCOA, SUGAR, LECITHIN, MILK), RICE FLOUR, HYDROLYZED SOY PROTIEN, DRIED WHEY POWDER, CARAMEL (MILK, SUGAR), SALT. ASCORBIC ACID,

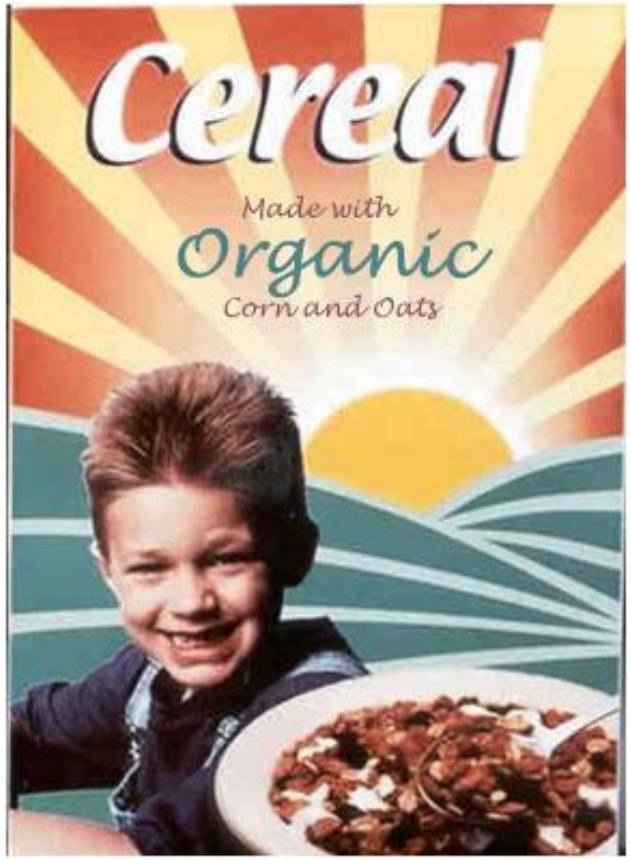
WOULD THIS EXAMPLE BE ACCEPTABLE?

"Made with Organic [specific food groups or ingredients]"

- May list up to 3 ingredients or categories
- May make a percentage statement
  - Percentage statement must not exceed ½ the size of the largest type on the panel.
  - Must be entirely the same type, style, size, and color, without highlighting.

Percentage Statements

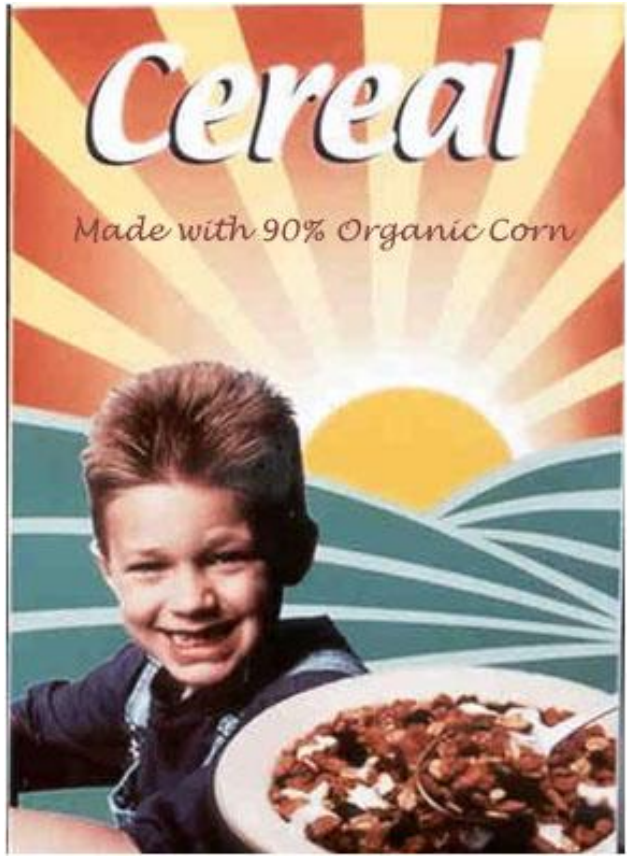
This label would not comply with paragraph 205.304 (a) (2) because the type is not all the same size and style and the word “Organic” is highlighted and in another color.



Percentage Statements

Percentage statement must not exceed ½ the size of the largest type on the panel.

Must be entirely the same type, style, size, and color, without highlighting.

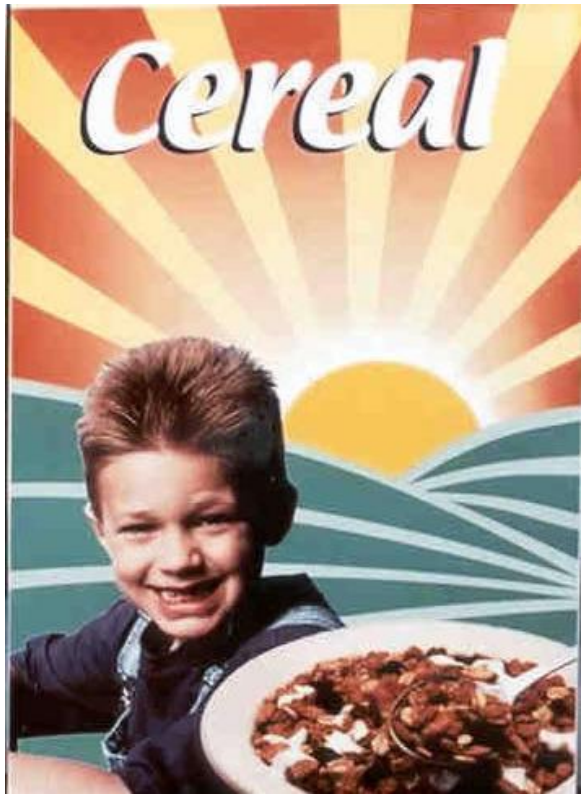


•This label would comply with Paragraph 205.304 (a) (1) (iii) because the type style and size of the statement “Made with Organic Yellow Corn” are the same without highlighting.

This label would not comply with Paragraph 205.304 (a) (1) (iii) because the type style and size of the words in the statement “Made with Organic Flour” are not the same and the word “Organic” is highlighted.

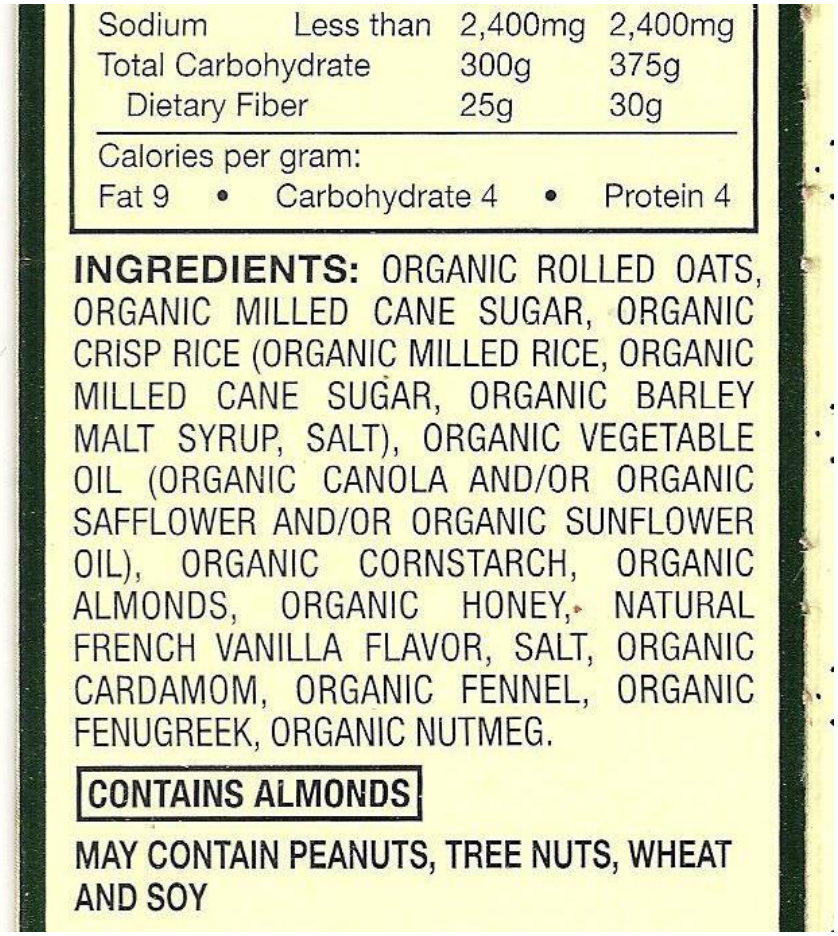
<70% Organic Ingredients

- No use of term organic on primary display panel.
- May list organic ingredients on information panel.
- May not refer to ingredients as “certified.”



Ingredient Statement

Each ingredient used in the product must be included in the ingredient statement on the container's information panel. Organic ingredients must be identified as being organic.



Sodium	Less than	2,400mg	2,400mg
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

Calories per gram:
Fat 9 • Carbohydrate 4 • Protein 4

INGREDIENTS: ORGANIC ROLLED OATS, ORGANIC MILLED CANE SUGAR, ORGANIC CRISP RICE (ORGANIC MILLED RICE, ORGANIC MILLED CANE SUGAR, ORGANIC BARLEY MALT SYRUP, SALT), ORGANIC VEGETABLE OIL (ORGANIC CANOLA AND/OR ORGANIC SAFFLOWER AND/OR ORGANIC SUNFLOWER OIL), ORGANIC CORNSTARCH, ORGANIC ALMONDS, ORGANIC HONEY, NATURAL FRENCH VANILLA FLAVOR, SALT, ORGANIC CARDAMOM, ORGANIC FENNEL, ORGANIC FENUGREEK, ORGANIC NUTMEG.

CONTAINS ALMONDS

MAY CONTAIN PEANUTS, TREE NUTS, WHEAT AND SOY

Ingredient Statement

As an option, an asterisk (*) may be used to identify organically produced agreements.

Sodium	Less than	2,400mg	2,400mg
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

Calories per gram:
Fat 9 • Carbohydrate 4 • Protein 4

INGREDIENTS: ROLLED OATS,* MILLED CANE SUGAR*, CRISP RICE*, (MILLED RICE*, MILLED CANE SUGAR*, BARLEY MALT SYRUP*, SALT), VEGETABLE OIL*, CORN STARCH*, ALMONDS*, HONEY*, NATURAL FRENCH VANILLA FLAVOR, SALT, CARDAMOM*, FENNEL*, FENUGREEK*, NUTMEG*

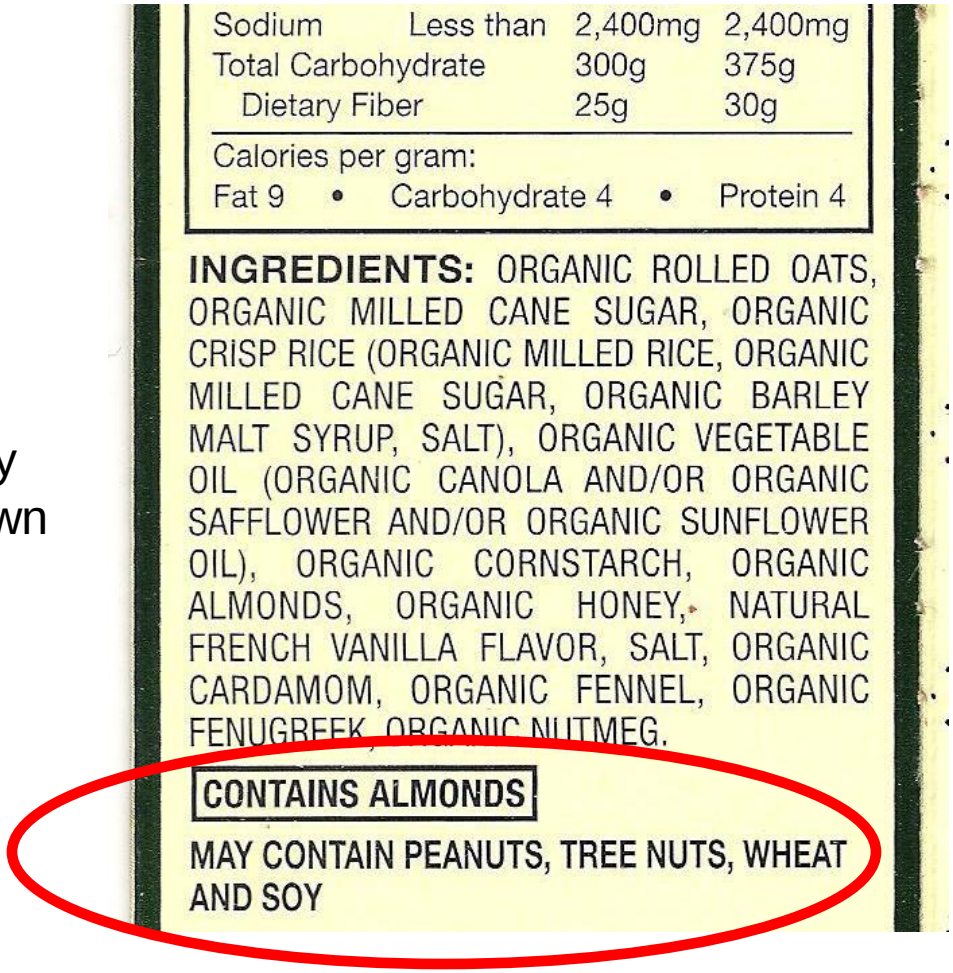
* CERTIFIED ORGANIC INGREDIENTS

CONTAINS ALMONDS

MAY CONTAIN PEANUTS, TREE NUTS, WHEAT AND SOY

Ingredient Statement

It is permissible to make mandatory allergy warning statements as shown in this example.



Sodium	Less than	2,400mg	2,400mg
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

Calories per gram:
Fat 9 • Carbohydrate 4 • Protein 4

INGREDIENTS: ORGANIC ROLLED OATS, ORGANIC MILLED CANE SUGAR, ORGANIC CRISP RICE (ORGANIC MILLED RICE, ORGANIC MILLED CANE SUGAR, ORGANIC BARLEY MALT SYRUP, SALT), ORGANIC VEGETABLE OIL (ORGANIC CANOLA AND/OR ORGANIC SAFFLOWER AND/OR ORGANIC SUNFLOWER OIL), ORGANIC CORNSTARCH, ORGANIC ALMONDS, ORGANIC HONEY, NATURAL FRENCH VANILLA FLAVOR, SALT, ORGANIC CARDAMOM, ORGANIC FENNEL, ORGANIC FENUGREEK, ORGANIC NUTMEG.

CONTAINS ALMONDS

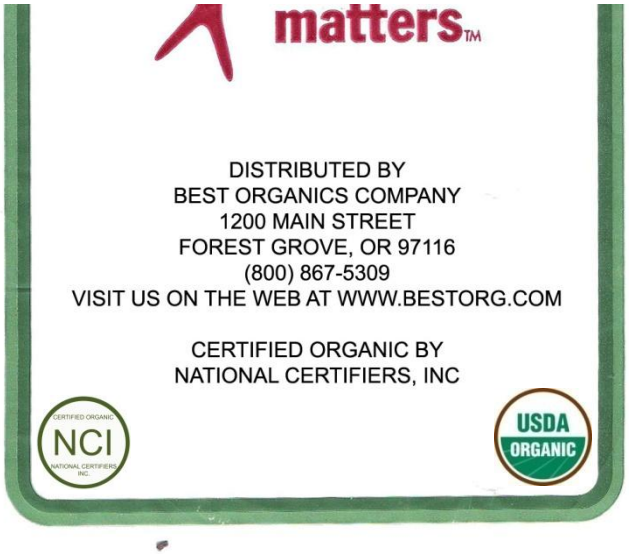
MAY CONTAIN PEANUTS, TREE NUTS, WHEAT AND SOY

Mandatory Information

NAME OF CERTIFIER

"Certified organic by [name of ACA]" or similar phrase must appear on the information panel below information identifying the handler or distributor of the finished product.

Certified products may use the certifier's logo to meet this requirement if the seal states "certified by…"



Mandatory Information

NAME OF CERTIFIER

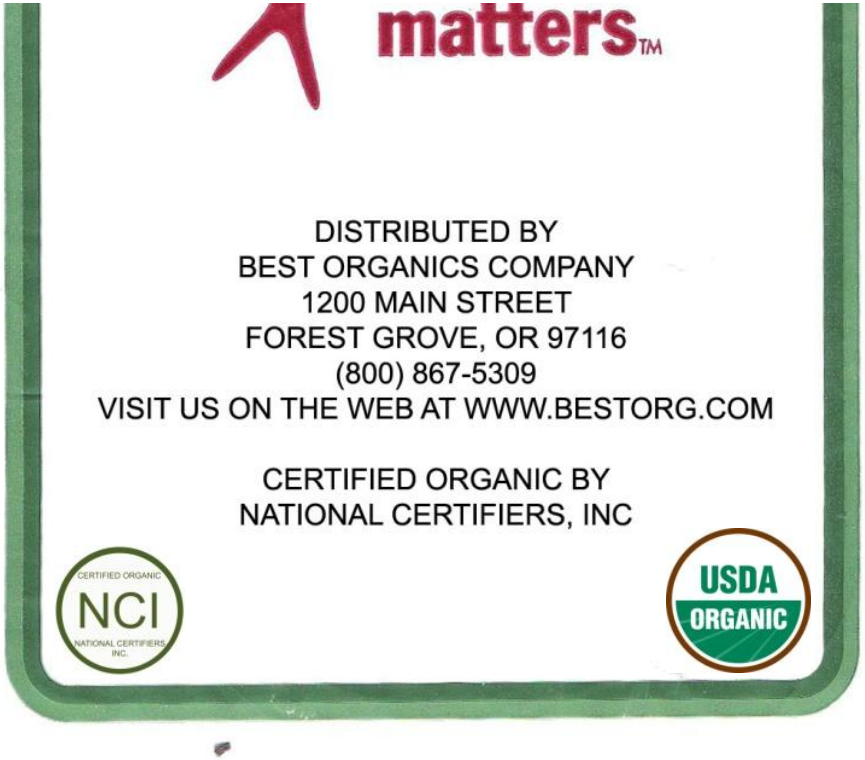
It is not correct to list the USDA or NOP as a certifying agent.

Certified organic by NCI and USDA

Optional Information

ADDITIONAL CERTIFIER

In addition to information about the certifier of the handler of the finished product, labels may also display certifier information of certifiers of ingredients.



Optional Information

ADDITONAL LABEL CLAIMS

Labels may display addition claims as long as they are truthful and do not violate other US regulations.

Ingredients: Organic molasses granules, organic evaporated cane juice, natural wintergreen flavor.
Contains no artificial coloring, flavoring or animal by-products.
Wheat and Gluten free, Dairy and Casein free, Corn, Soy and Egg free, Nut and Tree Nut free, Fish and Shellfish free, Gelatin free, Vegan.

Livestock Feed

- May display:
  - "100% Organic" or "Organic
  - USDA Seal
  - Mark of certifying agent
    - Not more prominently than NOP seal
  - The term "organic" to identify organic ingredients
- Must display "Certified organic by [ACA]
- Must comply with other Federal and State feed labeling requirements.

205.307 Non-retail Containers

- Must display:
  - Production or lot number, if applicable
  - Information must be traceable to documentation supporting the organic status of the product
- May Display
  - Name and contact information of ACA
  - Organic designation
  - Handling instructions to maintain organic integrity
  - NOP seal
  - ACA seal
  - Production or lot number

205.307(c) Export Containers

- May be labeled to meet destination country's requirements.
- Shipping containers and documents:
  - "For Export Only"
- Handler must maintain export and marking records.

205.308 Unpackaged Retail

- May label as “100% Organic” or “Organic”
  - Retail displays
  - Labeling
  - Display containers
- Organic content must be identified in ingredient statement
- If facility is certified, they may display:
  - Certified organic
  - Use the NOP seal
  - ACA seal

205.308 Unpackaged Retail

- "Made with Organic" retail displays
  - Must not list more than 3 ingredients or food groups.
  - Organic ingredients in ingredient statement must be labeled as organic.
  - If prepared in a certified facility, retail displays, display containers and market information may display the ACA's seal, logo, or identifying mark.

205.310 Exempt or Excluded Operations

- Products produced on exempt or excluded operations must not:
  - Display NOP seal or ACA's seal or other identifying mark.
  - Be represented as certified organic or containing organic ingredients.
- May be represented as organic by the exempt operation
- May not be represented as organic by others.

205.311 NOP Seal

The colors of the NOP seal must appear as described in the NOP regulations.

Variations are not approved, although indistinguishable variances (such as dark navy blue instead of black) may be allowed by the certifier.

(Not acceptable)

205.311 NOP Seal

Look alike logos are not permitted.

Private Label Certification

A “private label” merchant is a company that does not actually produce products, but has certified organic products packed and labeled for them under contract.

Private label merchants frequently have multiple producers and handlers working for them to produce products under a single brand name.

Private Label Certification

If a private label merchant substantially participates in the production of the product by designing the product to meet their unique specifications, they may be considered a handler of the finished product.

Private Label Certification

The certifier of the private label merchant must retain and make available records relevant to the production and handling of the private labeled product.

Private Label Certification

The name of the certifier of the private label merchant may appear on the information panel.

The certifier of the actual handler of the finished product may require their name to also be listed on the information panel.

Certifiers' Responsibilities

Certifiers are responsible for reviewing and approving all labels prior to labeling and distribution of certified products.

The certifier whose name appears on the information panel is responsible for verifying label compliance.

Changing Certifiers

When a certified producer or handler changes certifying agents, the certified operation must change their labels to reflect the change immediately.

However, if the former certifier agrees to maintain responsibility for responding to questions from the public with regard to the product, certifiers may allow certified operations to use up existing label supplies.

Errors in Labeling

When errors are discovered in labeling, certifiers and their certified operations are required to ensure that errors are corrected immediately and that any incorrect labels that have not entered the stream of commerce are not used.

No use-up of labels is permitted for serious errors such as:

1. Improper use of the NOP seal.
2. Incorrect product classification such as if a “made-with” product is labeled “organic.”
3. Omission of the name of the certifying agent.

Errors in Labeling

Exceptions.

Labels with minor errors may continue to be used only for the time necessary to procure corrected labels. Such use should not exceed 90 days and must be documented by the certifying agent and their client.

Minor errors in this instance might include incorrect formatting or placement of information.

Additional Label Claims

Handlers of organic products may make additional label claims, provided such claims are truthful and do not violate the NOP regulations or other Federal or State labeling regulations.

Such claims might include:

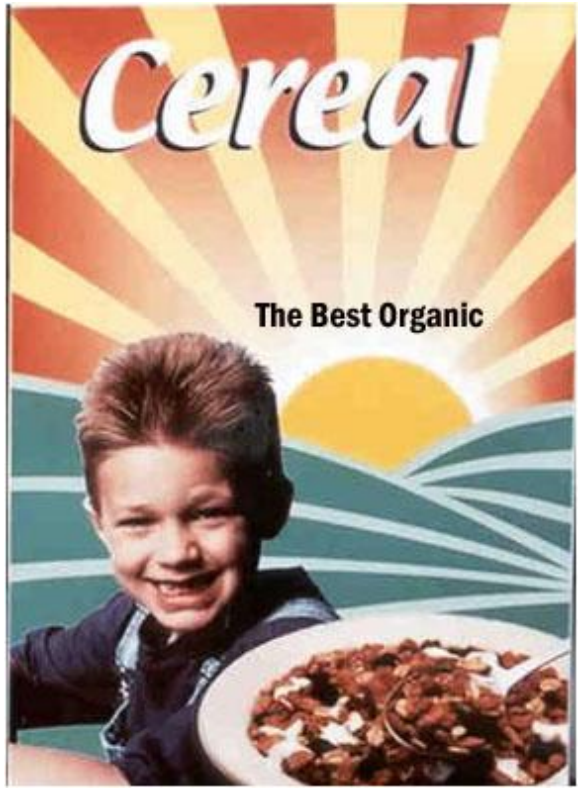
- Grass-fed
- Raised without synthetic hormones
- Antibiotic-free
- Product of the USA
- Locally Grown

Additional Label Claims

Additional label claims may NOT suggest that any particular organic product has a superior level of “organicness.”

Prohibited claims might include:

- Better than USDA organic
- Exceeds USDA standards for organic products



Calculating Percentage of Organic Ingredients

- Percentage must be determined by handler who affixes label on the consumer package and verified by the certifying agent of the handler.
- The handler may use information provided by the certified operation in determining the percentage.

Calculating Percentage of Organic Ingredients

(Solid Ingredients)

- Divide weight of organic ingredients by total weight (excluding water and salt)
- Round percentage of organic ingredients DOWN to whole number.

EXAMPLE:

94.95% = 94%

Calculating Solid Ingredients

- Divide weight of organic ingredients by total weight (excluding water and salt)

Baking Mix Formulation (1000 LB Batch)	
Organic Flour	700 #
Organic shortening	250 #
Organic non-fat dry milk	100 #
Organic corn starch	12 #
Cream of Tartar (Potassium acid tartrate)	10 #
Ammonium bicarbonate	13 #
Salt	10 #
Total	1000 L

Calculating Solid Ingredients

Certified organic ingredients

Non-organic ingredients from 205.605

Excluded from calculation

Baking Mix Formulation (1000 LB Batch)	
Organic Flour	700 #
Organic shortening	250 #
Organic non-fat dry milk	100 #
Organic corn starch	12 #
Cream of Tartar (Potassium acid tartrate)	10 #
Ammonium bicarbonate	13 #
Salt	10 #
Total	1000 L

Calculating Solid Ingredients

962 # organic

28 # non-organic

990 # total in calculation

Baking Mix Formulation (1000 LB Batch)	
Organic Flour	700 #
Organic shortening	150 #
Organic non-fat dry milk	100 #
Organic corn starch	12 #
Cream of Tartar (Potassium acid tartrate)	15 #
Ammonium bicarbonate	13 #
Salt	10 #
Total	1000 L

Calculating Solid Ingredients

962 # organic

28 # non-organic

990 # total in calculation

Baking Mix Formulation (1000 LB Batch)	
Organic Flour	700 #
Organic shortening	150 #
Organic non-fat dry milk	100 #
Organic corn starch	12 #
Cream of Tartar (Potassium acid tartrate)	15 #
Ammonium bicarbonate	13 #
Salt	10 #
Total	1000 L

Calculating Solid Ingredients

$$\frac{962}{990} = .971 \text{ or } 97\%$$

Qualifies for ORGANIC label

Baking Mix Formulation (1000 LB Batch)	
Organic Flour	700 #
Organic shortening	150 #
Organic non-fat dry milk	100 #
Organic corn starch	12 #
Cream of Tartar (Potassium acid tartrate)	15 #
Ammonium bicarbonate	13 #
Salt	10 #
Total	1000 L

Calculating Percentage of Organic Ingredients
(Liquid Ingredients)

- Divide fluid volume of organic ingredients by total volume (excluding water and salt)
- If liquid products are identified as reconstituted from concentrate, calculation should be based on single-strength concentrations of the ingredients and finished products.
- Round down to nearest whole number.

Calculating Liquid Ingredients

- Determine total volume minus water and salt.
- Determine percentage of organic ingredients in remaining volume.

Fruit Drink Formulation (1000 L Batch)	
Water	500 L
Organic corn syrup	390 L
Organic orange juice	100 L
Citric acid	5 L
Natural flavor (non-organic)	2.5 L
Beet juice extract color* (non-organic / non-GMO)	2.5 L
Total	1000 L

* Not commercially available in organic form.

Calculating Liquid Ingredients

Excluded from calculation

490 L organic

10 L non-organic ingredients from 205.605 and 205.606

Fruit Drink Formulation (1000 L Batch)	
Water	500 L
Organic corn syrup	390 L
Organic orange juice	100 L
Citric acid	5 L
Natural flavor (non-organic)	2.5 L
Beet juice extract color* (non-organic / non-GMO)	2.5 L
Total	1000 L

* Not commercially available in organic form.

Calculating Liquid Ingredients

490 L organic

10 L non-organic

500 L total in calculation

Fruit Drink Formulation (1000 L Batch)	
Water	500 L
Organic corn syrup	390 L
Organic orange juice	100 L
Citric acid	5 L
Natural flavor (non-organic)	2.5 L
Beet juice extract color* (non-organic / non-GMO)	2.5 L
Total	1000 L

* Not commercially available in organic form.

Calculating Liquid Ingredients

$$\frac{490}{500} = .98 \text{ or } 98\%$$

Qualifies for ORGANIC label

Fruit Drink Formulation (1000 L Batch)	
Water	500 L
Organic corn syrup	390 L
Organic orange juice	100 L
Citric acid	5 L
Natural flavor (non-organic)	2.5 L
Beet juice extract color* (non-organic / non-GMO)	2.5 L
Total	1000 L

* Not commercially available in organic form.

Calculating Percentage of Organic Ingredients

(Solid and Liquid Ingredients)

- Divide combined weight of liquid and solid organic ingredients by total weight of liquid and solid ingredients, excluding water and salt.
- Round down to nearest whole number.

Calculating Percentage of Organic Ingredients

- Formulated “organic” products in ingredient statement are calculated based on their actual organic content or at 95% organic.
  - Default of 95% based on “organic” definition.
  - Actual formulation of “organic” ingredients or percentage certification required to calculate formulated products above 95%.

Questions?